

Notice of Allowability

Application No.

10/010,715

Applicant(s)

PATHAK ET AL.

Examiner

Art Unit

Abdel A. Mohamed

1654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment and remarks of 5/26/05, telephonic interview of 7/7/05 and TD of 7/13/05.
2. ☒ The allowed claim(s) is/are 3-5, 8-10, 12-20, 28-31 and 33-35.
3. ☒ The drawings filed on 09 November 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

CONTINUED EXAMINATION UNDER 37 CFR 1.114 AFTER ALLOWANCE OR QUAYLE ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 5/26/05 has been entered.

ACKNOWLEDGEMENT OF AMENDMENT, REMARKS, RESPONSE TO TELEPHONIC INTERVIEW, TERMINAL DISCLAIMERURE AND THE STATUS OF THE CLAIMS

2. The amendment and remarks, response to telephonic interview and the terminal disclaimer (TD) filed 5/26/05 and 7/13/05, respectively are acknowledged, entered and considered. Claims 3-5, 8-10, 12-20, 24 and 27-35 are now pending in the application. The rejections under 35 U.S.C. 103(a) over the prior art of record and the obviousness-type double patenting are withdrawn in view of Applicant's amendment and remarks filed 5/26/05, telephonic interview of 7/7/05, and response to telephonic interview and TD filed 7/13/05.

EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

4. Authorization for this examiner's amendment was given in a telephone interview with Curtis B. Herbert on 7/7/05.

In the specification:

On page 7, line 7, change "FIG. 1 depicts" to -FIG. 1A-E depict--.

On page 7, line 10, change "FIG. 2 depicts" to -FIG. 2F-J depict--.

On page 7, line 12, change "FIG. 3 depicts" to -FIG. 3K-O depict--.

On page 7, line 16, change "FIG. 4 depicts" to -FIG. 4P-T depict--.

On page 7, line 19, change "FIG. 5 depicts" to -FIG. 5U-Y depict--.

In the claims:

Cancel claims 24, 27 and 32

Claim 28, last line, after "patient" insert --, wherein the polymer composition comprises electrophilic functional groups and nucleophilic functional groups that crosslink to each other--.

Claim 33, line 1, change "32" to --28--.

CONCLUSION AND FUTURE CORRESPONDANCE

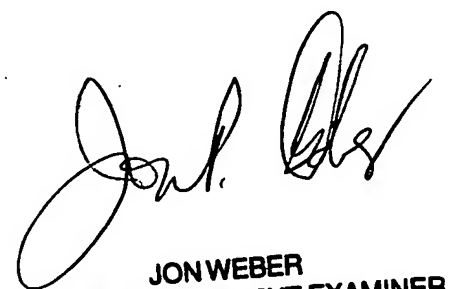
5. Claims 3-5, 8-10, 12-20, 28-31 and 33-35 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abdel A. Mohamed whose telephone number is (571) 272 0955. The examiner can normally be reached on First Friday off.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CAMPELL BRUCE can be reached on (571) 272 0974. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JON WEBER
SUPERVISORY PATENT EXAMINER



Mohamed/AAM
July 22, 2005